

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:20-cr-133

vs.

DAVID LEE HARGROVE,

District Judge Michael J. Newman

Defendant.

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**ORDER DENYING MOTION FOR RECONSIDERATION**

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This criminal case came before the Court on the Government's motion for clarification. Doc. No. 30. The Government argued that Defendant has not satisfied the essential requirements necessary to obtain a *Franks* hearing, and that this matter should be resolved absent an evidentiary hearing. *Franks v. Delaware*, 438 U.S. 154 (1978). After hearing from counsel for the Government, the Court finds that it is more accurately considered a motion for reconsideration of the Court's March 22, 2021 Order. Doc. No. 27. The Court finds that an evidentiary hearing is warranted in this case. This finding, however, does not preclude the parties from raising arguments under *Franks* in their post-hearing memoranda. If the Court finds that the *Franks* burden has not been met, the Court can decline to consider the relevant evidence at that time. Accordingly, the motion for clarification, here construed as a motion for reconsideration, is **DENIED**.

**IT IS SO ORDERED.**

Date: September 2, 2021

s/ Michael J. Newman

Hon. Michael J. Newman  
United States District Judge